

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 710

[OPTS-62081A; FRL-3770-4]

Partial Updating of TSCA Inventory Data Base; Production and Site Reports; Technical Amendment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendment.

SUMMARY: This notice announces a 60-day waiver of the 1990 reporting period, discusses the reporting exemption for small quantities for research and development, and amends the rule to update the reporting address and other information in the June 12, 1986 notice, to remove the reporting form from the rule, and to increase the types of magnetic media through which reporting may be accomplished.

DATES: This document is effective September 27, 1990. The 1990 reporting period is from August 25, 1990 to February 21, 1991.

FOR FURTHER INFORMATION CONTACT: Michael M. Stahl, Director, Environmental Assistance Division (TS-799), Office of Toxic Substances, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC 20460, (202) 554-1404, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION:

I. Background

In the Federal Register of June 12, 1986 (51 FR 21438), EPA promulgated a rule (40 CFR part 710, subpart B) under the authority of section 8(a) of the Toxic Substances Control Act (TSCA) requiring manufacturers and importers of certain chemical substances included on the TSCA Chemical Substance Inventory to report current data on the production volume, plant site, and site-limited status of the substances. After initial reporting during 1986, recurring reporting is required every 4 years. On June 20, 1986 (51 FR 22521), EPA issued a notice correcting an error which appeared in the June 12 notice concerning the reporting period.

II. Waiver of 1990 Reporting Period

The initial reporting period was August 25, 1986 to December 23, 1986. Reporting periods recur every 4 years from August 25 to December 23, so that the next reporting period would normally be August 25, 1990 to December 23, 1990.

EPA is waiving the 1990 reporting period deadline until February 21, 1991.

This waiver applies to the 1990 reporting period only; the 1994 and future reporting periods will terminate on December 23. EPA had anticipated the publication of this technical amendment and availability of a computer tape version of the 1990 supplement to the TSCA Chemical Substance Inventory, to be distributed by the National Technical Information Service, in June of 1990. Because availability of the reporting materials has been delayed, the 1990 reporting period is waived for 60 days.

III. Update of 1986 Information

A. The TSCA Chemical Substance Inventory

As an aid to submitters reporting during 1986, EPA published a 1985 edition of the TSCA Chemical Substance Inventory. This publication, available from the Government Printing Office (GPO), supersedes the 1979 edition and supplements prior to 1985. To aid reporters during 1990, EPA is issuing a 1990 supplement to the 1985 edition, which covers approximately 5,000 substances which have been added to the Inventory since the 1985 Edition. Together, the 1985 Edition and the 1990 Supplement constitute a revised Inventory representing a total of 68,000 chemical substances. Copies of both the "TSCA Chemical Substance Inventory: 1985 Edition" and the "TSCA Chemical Substance Inventory: 1990 Supplement" may be obtained by writing or calling: Superintendent of Documents, Government Printing Office, Washington, DC 20402, (202) 783-3238. The 1990 Supplement costs \$15.00 in the U.S., \$18.75 outside the U.S., and should be ordered by its Document Control Code, S/N 055-000-00361-1. The 1985 Edition costs \$161.00 (\$201.00 outside the U.S.), and its Document Control Code is S/N 055-000-00254-1.

Chemical substances added to EPA's Master Inventory file after February 1, 1990, are not included in the 1990 Supplement. In addition, substances whose identities are confidential are not included in the 1990 Supplement. Those who need to ascertain the Inventory status of such substances or of substances whose identity may be maintained as confidential must follow the procedures set forth in the instructional materials discussed below.

B. Reporting Address and Instructions

Section 710.39 of the rule is being amended to reflect current addresses and telephone numbers. In addition, a revised edition of "Instructions for Reporting for the Partial Updating of the TSCA Chemical Inventory Data Base" is

available from the address listed in § 710.39(b).

IV. Reporting Form

Section 710.39 requires submitters to report using EPA's Form U, published in the June 12, 1986 notice. EPA is removing the form from the rule and making changes in the form to assist submitters in completing it and to facilitate processing of the form; none of the changes result in substantive revisions to the reporting requirements of the rule. The 1986 form is not acceptable for 1990 reporting.

A. Removal of the Form from the Rule; Optical Character Recognition

The Agency is amending the rule to remove Form U from the rule, substituting a notice of availability of the most current form and reporting instructions plus generic language that describes the form's reporting requirements. EPA is making this amendment for two basic reasons. First, as codified, the form must be printed every year in the CFR. Removing the form from the CFR will result in a significant cost savings for the Agency over time. Not printing the full text of final forms in the CFR has become a standard Agency practice. EPA has determined that, pursuant to the Administrative Procedures Act (APA), 5 U.S.C. 552(a)(1)(C), the Agency is obligated only to describe forms and give a source of availability, not to publish them in full text.

The second reason for removing the form from the CFR has to do with both the usefulness of a CFR copy of the form and the ability to provide submitters with the most current version. The form has been revised to make it readable by optical character recognition (OCR) technology, which involves printing in a special color transparent to OCR equipment. The form that appears in the CFR is of necessity both photoreduced and the incorrect color. Also, removing the form from the rule will provide the Agency with the flexibility to make necessary non-substantive editorial changes without having to amend the rule.

B. 1986 Reporting Errors

Several types of reporting errors occurred frequently enough during 1986 to merit discussion. The most frequent type of error was in the Dun & Bradstreet number. Numerous submitters reported numbers with extra or missing digits, numbers which belonged to their parent companies (rather than the Dun & Bradstreet number assigned to the plant site for

which the submitter was reporting), or no number at all. This problem forced EPA to send a large number of requests for correction of submitter errors. To avoid such errors in 1990 reporting, all submitters should verify the accuracy of the Dun & Bradstreet number they are reporting; those plant sites which do not have Dun & Bradstreet numbers may get them free of charge by calling their local Dun & Bradstreet office.

Another significant source of errors was the manner in which chemical identifying numbers were elicited. Several types of identifying numbers are allowed (e.g., Chemical Abstracts Service Registry Numbers and Premanufacture Notification Numbers), and the format of the reporting form contributed to confusion concerning how to properly report and designate a number. The new form invites fewer improper codes and numbers.

A large number of errors were made in plant site and technical contact information. The revised form now makes clear exactly what information is needed.

C. Confidentiality Claims

The previous form required chemical substances with confidential identities to be reported on separate forms from substances whose identities are nonconfidential. The 1990 form allows submitters to report both confidential and nonconfidential substances on the same form, and to indicate which substances on a form have confidential identities.

D. Other Changes

The form has also been modified to include a burden box pursuant to the Paperwork Reduction Reauthorization Act of 1986.

V. Electronic Reporting

Section 710.32 of the 1986 rule allowed submitters to report by paper or computer tape. Because of the ready availability of microcomputers, EPA is modifying this section to allow reporting using additional magnetic media, such as floppy diskettes. EPA's specifications for the format for electronic reporting are obtainable from the Agency by contacting the address set forth in § 710.39(b). EPA is investigating a format using the ANSI X12 standard. Electronic submissions not meeting EPA's format will not be in compliance with the rule. Detailed instructions may be obtained from the address listed in § 710.39(b). Because of security considerations, reporting via telecommunications lines will not be accepted.

The 1986 rule required that chemical substances whose identities are confidential to be reported by hard copy means only. This is being amended to allow reporting of such substances via magnetic media.

VI. Research and Development Exemption

Section 710.30(a) exempts a person who manufactures or imports a substance solely in small quantities for research and development from reporting on that substance. However, because § 710.32 requires reporting only for plant sites with annual production volumes of 10,000 pounds or greater, there is in effect a small quantity exemption apart from that for research and development. In the context of preliminary screening of existing chemicals, which this rule is intended to support, EPA considers data about any production of 10,000 pounds or more, as significant, whether or not for research and development purposes. The Agency is therefore contemplating a proposal to eliminate the § 710.30(a) exemption beginning with the 1994 round of reporting (no change will be made for 1990 reporting), in effect defining small quantities for research and development as under 10,000 pounds per year. EPA requests comment concerning research and development chemical substances with annual production volumes of 10,000 pounds or more, including a discussion of why quantities in excess of 10,000 pounds are needed for research and development.

List of Subjects in 40 CFR Part 710

Chemicals, Environmental protection, Hazardous substances, Reporting and recordkeeping requirements.

Dated: September 20, 1990.

Victor J. Kimm,
Acting Assistant Administrator for Pesticides and Toxic Substances.

Therefore, 40 CFR part 710 is amended as follows:

PART 710—[AMENDED]

1. The authority citation for part 710 continues to read as follows:

Authority: 15 U.S.C. 2607(a).

2. Section 710.32 is revised to read as follows:

§ 710.32 Reporting information to EPA.

Any person who must report under this subpart must submit the information prescribed in this section for each chemical substance described in § 710.25 that the person manufactured for commercial purposes in an amount of 10,000 pounds (4,540 kilograms) or

more at a single site during a corporate fiscal year described in § 710.28. (The site for a person who imports a chemical substance is the site of the operating unit within the person's organization which is directly responsible for importing the substance and which controls the import transaction, and may in some cases be the organization's headquarters office in the U.S.). A respondent to this subpart must report information in writing or by magnetic media as prescribed in this section, to the extent that such information is known to or reasonably ascertainable by that person. A respondent to this subpart must report information that applies to the specific corporate fiscal year for which the person is required to report.

(a) *Reporting in writing.* Any person who chooses to report information to EPA in writing must do so by completing the reporting form available from EPA at the address set forth in § 710.39(b). The form must include all information prescribed in paragraph (c) of this section. Persons reporting in writing must submit a separate form for each site for which the person is required to report.

(b) *Reporting by magnetic media.* Any person who chooses to report information to EPA by means of magnetic media must submit the information prescribed in paragraph (c) of this section. Magnetic media submitted in response to this subpart must meet EPA specifications, as described in the instruction booklet available from EPA at the address set forth in § 710.39(b).

(c) *Information to be reported.* Persons reporting information under this subpart must report the following:

(1) The name, company, address, city, State, Zip code, and telephone number of a person who will serve as technical contact for the respondent company, and will be able to answer questions about the information submitted by the company to EPA. Persons reporting by means of magnetic media must submit this information on the reporting form available from EPA at the address set forth in § 710.39.

(2) A certification statement signed and dated by an authorized official of the respondent company. Persons reporting by means of magnetic media must submit this information on the reporting form available from EPA at the address set forth in § 710.39.

(3) The specific chemical name and Chemical Abstracts Service (CAS) Registry Number of each chemical substance for which reporting is required under this subpart. A

respondent to this subpart may use other chemical identification numbers in lieu of CAS Registry Numbers when a CAS Registry Number is not known to the respondent as provided in the instruction booklet identified in § 710.39(b), including EPA-designated Accession Numbers for confidential substances, EPA-assigned numbers for *bona fide* or Premanufacture Notification submissions, or Test Market Exemption Applications, or original Inventory form numbers.

(4) The name, street address, city, State, and Zip code of each site at which 10,000 pounds (4,540 kilograms) or more of a chemical substance for which reporting is required under this subpart is manufactured or imported. (The site for a person who imports a chemical substance is the site of the operating unit within the person's organization which is directly responsible for importing the substance and which controls the import transaction, and may in some cases be the organization's headquarters office in the U.S.) A respondent to this subpart must include the appropriate Dun and Bradstreet Number for each plant site reported.

(5) A statement for each substance for which information is being submitted indicating whether the substance is manufactured in the United States or imported into the United States.

(6) A statement for each substance for which information is being submitted indicating whether the substance is site-limited.

(7) The total volume (in pounds) of each subject chemical substance manufactured or imported at each site. This amount must be reported to two significant figures of accuracy provided that the reported figures are within ± 10 percent of the actual volume.

§ 710.38 [Amended]

3. Section 710.38 is amended by removing paragraph (c)(1) and redesignating paragraphs (c)(2) and (c)(3) as paragraphs (c)(1) and (c)(2), respectively.

4. Section 710.39 is revised to read as follows:

§ 710.39 Instructions for submitting information.

(a) All persons submitting written information in response to the

requirements of this subpart must use original copies of Form U available from EPA at the address set forth in paragraph (b) of this section.

(b) Complete instructions for completing the reporting form and preparing a magnetic media report are given in the EPA publication entitled "Instructions for Reporting for the Partial Updating of the TSCA Chemical Inventory Data Base." Reporting forms and instruction booklets may be obtained by writing or calling the following office: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, Room E-105, 401 M St., SW., Washington, DC 20460, ATTN: Inventory Update Rule, (703) 534-1050.

(c) Completed reporting forms and magnetic media submissions must be submitted to the following address: Document Processing Center (TS-790), Office of Toxic Substances, Environmental Protection Agency, Room E-105, 401 M St., SW., Washington, DC 20460, ATTN: Inventory Update Rule.

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